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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/686,672	10/11/2000	GUSTAVO G. SUAREZ	PT03191UC01	6883

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MOTOROLA, INC.  
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EXAMINER

LEWIS, CHERYL RENE A

ART UNIT	PAPER NUMBER
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2177

DATE MAILED: 01/28/2004

4

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/686,672

Applicant(s)

SUAREZ ET AL.

Examiner

Cheryl Lewis

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 11 October 2000.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### DETAILED ACTION

1. Claims 1-12 are presented for examination.

### DRAWINGS

2. The applicants drawings filed on October 11, 2000 have been approved by the draftsman.

### INFORMATION DISCLOSURE STATEMENT

3. The information disclosure statements filed on October 11, 2000, paper no. 2, complies with the provisions of MPEP § 609. They have been placed in the application file, and the information referred to therein has been considered as to the merits.

### Double Patenting

4. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

5. Claims 1 and 6 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 1 of U.S. Patent No. 6,212,393 B1. Although the conflicting claims are not identical, they are not patentably distinct from each other because the claim language of claims 1 and 6 are similar to the claim language of claim 1 of Pat. No. 6,212,393 B1. It appears that the applicants have broadened the claim language of claim 1 of Pat. No. 6,212,393 B1 which are now presented in pending claims 1 and 6. Official Notice is given that it is well settled that the removal of limitations from a claimed invention, where the remainder of the structure is unaffected, would have been obvious.

6. Claims 1 and 6 of the instant application and claim 1 of Pat. No. 6,212,393 B1 recite the following similar claim limitations, however the difference between claims 1 and 6 of the instant application and claim 1 of Pat. No. 6,212,393 B1 are presented in *italicize* and underline format:

a. Pending Claim 1 recites:

In a vehicle dispatch system having a dispatch center and a plurality of wireless communication devices, a method for communication between the dispatch center and the plurality of wireless communication devices comprising: receiving a request for dispatch including an assignment location; generating an assignment message including a location parameter, wherein the location parameter corresponds to the assignment location; and sending an assignment message including a location parameter from the dispatch center to the plurality of wireless communication devices, wherein the assignment message is a wireless message transmitted from the dispatch center to the wireless communication device over a radio frequency channel, and further wherein each wireless communication device having a current location: receives the assignment message including the location parameter from the dispatch center, compares the location parameter to the current location of the wireless communication device, processes the assignment message when the location parameter corresponds to the current location of the wireless communication device, and automatically deletes the assignment message when the location parameter does not correspond to the current location of the wireless communication device.

b. Pending Claim 6 recites:

In a vehicle dispatch system having a dispatch center and a plurality of wireless communication devices, a method for communication between the dispatch center and the plurality of wireless communication devices comprising: receiving a request for dispatch including an assignment location; generating an assignment message including an address, a location parameter, and a data, wherein the location parameter corresponds to the assignment location; and sending an assignment message including the address, the location parameter, and the data from the dispatch center to the plurality of wireless communication devices, wherein the assignment message is a wireless message transmitted from the dispatch center to the wireless communication device over a radio frequency channel, and further wherein each wireless communication device having a current location: receives the assignment message including the address, the location parameter, and the data from the dispatch center, compares the address in the received assignment message to a device address stored in a memory of the wireless communication device, compares the location parameter to a current location stored in the memory of the wireless communication device using a matching criteria for detecting an affirmative match in response to receipt of the assignment message including the location parameter and the address matching the device address location parameter to the current location of the wireless communication,

generates an alert in response to the detection of an affirmative match, and processes the data of the assignment message in response to the detection of an affirmative match.

c. Claim 1 of Pat. No. 6,212,393 B1 recites:

In a dispatch center within a vehicle dispatch system, a method for communication between the dispatch center and a plurality of wireless communication devices comprising:

receiving a request for dispatch including an assignment location;

generating an assignment message including a first criteria parameter and a location parameter corresponding to the assignment location;

sending the assignment message including the first criteria parameter and the location parameter to the plurality of wireless communication devices, wherein each wireless communication device having a current location:

receives the assignment message including the first criteria parameter and the location parameter from the dispatch center,

compares the location parameter to the current location of the wireless communication device using the first criteria parameter for detecting an affirmative match, transmits a reply to the dispatch center in response to the detection of the affirmative match; and

generating a second criteria parameter in response to the timeout of a timer, wherein the timer is reset upon receipt of the reply from the wireless communication device; and

sending a second assignment message including the second criteria parameter and the location parameter to the plurality of wireless communication devices.

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).



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8. Claims 1-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hoffman et al. (Pat. No. 6,239,700 B1, filed June 24, 1997, hereinafter Hoffman) and Dailey (Pat. No. 6,577,874 B1, filed May 10, 1999).

9. Regarding Claims 1 and 6, Hoffman teaches a personal security and tracking system.

The method and associated system for a personal security and tracking system as taught or suggested by Hoffman includes:

receiving a request for dispatch including an assignment location (col. 9, lines 42-51); generating an assignment including a location parameter (col. 8, lines 5-11), wherein the location parameter (col. 8, lines 5-11, col. 13, lines 57-67, col. 14, lines 1-13) corresponds to the assignment location (col. 8, lines 5-11, col. 13, lines 57-67, col. 14, lines 1-13); sending an assignment including a location parameter from the dispatch center to the plurality of wireless communication devices (Abstract, lines 1-6, col. 5, lines 42-67) and the assignment is wireless communication transmitted from the dispatch center to the wireless communication (Abstract, lines 1-6, col. 5, lines 42-67); the wireless communication has a current location (col. 42-46, col. 6, lines 1-6); an address (col. 13, lines 48-52) and an alert message (col. 13, lines 24-42); and compares the location parameter to the current location (col. 4, lines 12-16 and 25-31).

However, Hoffman does not expressly teach an assignment message, a radio frequency channel, and means to delete an assignment message.

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Dailey teaches an assignment message (Abstract, lines 1-18), a radio frequency channel (col. 5, lines 22-27), and means to delete an assignment message (figure 5, elements 85 and 87).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Hoffman's ALI system, a wireless location technology such as a cellular telephone Automatic Location Identification system with the method of Dailey because Dailey's method enables receiving digital messages, such as login messages that provide temporary identification information, assistance in tracking location parameters, identifying origination of digital messages, and updating messages of a caller from mobile terminals.

10. Regarding Claims 2 and 10, Dailey teaches an assignment message (Abstract, lines 1-18).

11. Regarding Claim 3, Hoffman teaches a reply to the dispatch center (col. 10, lines 44-67).

12. Regarding Claims 4 and 11, Hoffman teaches input (col. 10, lines 32-39).

13. Regarding Claims 5 and 12, Dailey teaches the means which essentially comprise the same means as communication channels (col. 5, lines 22-27).

14. Regarding Claims 7, 8, and 9, Hoffman teaches the means which essentially comprise the same means as criteria for an assignment location (col. 9, lines 42-51).

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**NAME OF CONTACT**

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cheryl Lewis whose telephone number is (703) 305-8750. The examiner can normally be reached on 6:30-3:00.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Breene can be reached on (703) 305-9790. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

(703) 746-5651 (Use this FAX #, only after approval by Examiner, for "INFORMAL" or "DRAFT" communication. Examiners may request that a formal paper/amendment be faxed directly to them on occasions.).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.



Cheryl Lewis  
Patent Examiner  
January 12, 2004



JOHN BREENE  
SUPERVISORY PATENT EXAMINER  
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